

S.B. Criminal Misc. Bail Application No.2867/2006

Date : 12.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Deepak Menaria for the applicant.

Mr. V.R. Mehta, Public Prosecutor for the State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case statement of the deceased available at page No.44 reveals that there is no allegation that applicant inflicted any Lathi blow on the person of the deceased. He submits that allegation in relation to inflicting Lathi blow is on the person of Prem Chand and his injury report available at Page No.15 shows that injuries on his person are simple in nature. He also submits that the applicant cannot be held liable for causing injuries on the person of the deceased as the same were caused by other co-accused Maganlal. He further submits that

no investigation is to be made from him, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Devilal son of Heera Gamar shall be released on bail in FIR No.44/2006 P.S. Phalasia, District Udaipur, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before

that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.